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UNITED STATES DISTRICT COURT  
 DISTRICT OF NEVADA

ALICIA INES MOYA GARAY, JUAN  
 JAIME LOPEZ-JIMENEZ, and  
 ARRIBA LAS VEGAS WORKER  
 CENTER,

Plaintiffs,

vs.

CITY OF LAS VEGAS, a municipality;  
 MICHELE FREEMAN, in her official  
 capacity as City of Las Vegas Chief of  
 Department of Public Safety;  
 BANANTO SMITH, in his official  
 capacity as Deputy Chief of Detention  
 Services; DOES 1 through 25, inclusive,

Defendants.

Case No. 2:20-cv-00119-GMN-EJY

**STIPULATION AND ~~PROPOSED~~ ORDER  
 TO EXTEND DISCOVERY DEADLINES**

**(FIRST REQUEST)**

1        **STIPULATION AND ~~[PROPOSED]~~ ORDER TO EXTEND DISCOVERY DEADLINES**

2            Pursuant to LR IA 6-1 and LR 26-3, the parties, by and through their respective counsel of  
 3 record, hereby stipulate and request that this Court extend the Discovery Deadlines in the above-  
 4 captioned case. Plaintiffs Alicia Ines Moya Garay and Juan Jaime Lopez-Jimenez (“Plaintiffs”) and  
 5 Defendants City of Las Vegas, *et al.* (“Defendants”) stipulate and request an extension of the  
 6 “Amending pleadings / adding parties” and “Merits experts’ disclosures” deadlines by six weeks.  
 7 In support of this Stipulation and Request, the parties state as follows:

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 9        **A.        DISCOVERY COMPLETED TO DATE**

10           Plaintiffs Alicia Ines Moya Garay and Juan Jaime Lopez-Jimenez (“Plaintiffs”) and  
 11 Defendants City of Las Vegas, *et al.* (“Defendants”) made their initial disclosures on June 16, 2020.  
 12 Plaintiffs propounded their First Set of Interrogatories on August 5, 2020. On August 31, 2020,  
 13 Defendants requested an extension to respond to Plaintiffs’ First Set of Interrogatories, which  
 14 Plaintiffs granted. On September 2, 2020 Plaintiffs served their First Set of Requests for Admission  
 15 and Requests for Production of Documents. On September 10, 2020, Defendants served their  
 16 responses to Plaintiffs’ First Set of Interrogatories.

17  
 18        **B.        DISCOVERY REMAINING TO BE COMPLETED**

19           The parties in this case continue to propound and respond to written discovery and must  
 20 conduct depositions, in addition to making their expert disclosures.

21  
 22        **C.        REASON FOR REQUEST FOR EXTENSION OF DISCOVERY DEADLINES**

23           *i. Deadline for amending pleadings/adding parties: September 15, 2020*

24           Plaintiffs intend to seek leave of Court to amend the First Amended Complaint to allege the  
 25 true names and capacities of the DOE Defendants, and the roles they played, once their identities  
 26 and/or manner of participation is ascertained. An extension of the discovery deadlines requires  
 27 good and just cause. *See* LR 26-3; *see also* Chambers Practices of The Honorable Gloria M.  
 28 Navarro, United States District Judge at 1. A party may show good cause to modify a discovery

1 schedule date “if it cannot reasonably be met despite the diligence of the party seeking the  
 2 extension.” *See Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 609 (9th Cir. 1992).  
 3 Prejudice to “the party opposing the modification” may also be relevant. *See id.*

4 Plaintiffs continue diligently to try to ascertain the names and capacities of the DOE  
 5 Defendants through written discovery. Plaintiffs granted Defendants a one week extension to  
 6 respond to their First Set of Interrogatories. Defendants served their responses on September 10,  
 7 2020. Defendants raised numerous objections to Plaintiffs’ First Set of Interrogatories. Plaintiffs  
 8 have met and conferred with Defendants to resolve the present discovery dispute.

9 Plaintiffs cannot move for leave to filed an amended complaint that alleges a plausible claim  
 10 for relief against each defendant unless it substitutes the true names and capacities of “those who  
 11 personally participated in the deprivation of his right” for the DOE Defendants currently named.  
 12 *See Cepero v. Las Vegas Metro. Police Dep’t, No. 211CV01421JADGWF*, 2018 WL 5043775, at  
 13 \*7 (D. Nev. Oct. 16, 2018), report and recommendation adopted, No. 211CV01421JADGWF, 2018  
 14 WL 5726176 (D. Nev. Oct. 31, 2018) (citing *Jones v. Williams*, 297 F.3d 930, 934 (9th Cir. 2002)).  
 15 Despite Plaintiffs’ diligence in this regard, as demonstrated by discovery requests and the parties’  
 16 efforts to confer on the discovery that seeks to identify the relevant officers, Plaintiffs have been  
 17 unable to ascertain the true names and capacities of the officers. Plaintiffs will therefore be unable  
 18 to move for leave to file an amended complaint by the current deadline of September 15, 2020.  
 19 Because of Plaintiffs’ diligence and because Defendants do not oppose the request, Plaintiffs  
 20 demonstrate good and just cause for the extension. Plaintiffs respectfully request an extension of  
 21 the current deadline for amending pleadings/adding parties to October 27, 2020.

22 *ii. Deadline for merits experts’ disclosures: October 15, 2020*

23 Plaintiffs anticipate retaining an expert to provide forensic psychological services.  
 24 Plaintiffs are diligently searching for available experts and attempting to address the logistical  
 25 challenges posed by the ongoing pandemic, including securing video conferencing/telemedicine  
 26 technology for Plaintiffs. At the moment, Plaintiffs await word from one potential expert witness  
 27 regarding the expert’s ability to conduct an evaluation of Plaintiffs remotely. In light of the  
 28 logistical challenges that have arisen because of the extraordinary circumstances that the COVID-

19 pandemic has presented, Plaintiffs anticipate requiring more time to schedule any psychological examinations. Plaintiffs will likely be unable to provide expert disclosures by the current deadline of October 15, 2020. Because Plaintiffs have exhibited diligence in their search for an expert witness and because Defendants do not oppose the request, Plaintiffs demonstrate good and just cause for the extension. Plaintiffs respectfully request an extension of the current deadline for merits experts' disclosures to November 30, 2020.

Finally, because the requested extension will place the merits experts' disclosure deadline near the discovery cut-off date, Plaintiffs respectfully request that the rebuttal experts' disclosure date, discovery cut-off date, and dispositive motions date also be extended.

**D. ~~PROPOSED SCHEDULE FOR COMPLETING DISCOVERY~~**

- |  |                   |
|--|-------------------|
| 1. Initial Disclosures                 | June 16, 2020     |
| 2. Discovery Cut-off date              | January 25, 2021  |
| 3. Amending pleadings / adding parties | October 27, 2020  |
| 4. Merits experts' disclosures due     | November 30, 2020 |
| 5. Rebuttal experts' disclosures due   | December 30, 2020 |
| 6. Dispositive Motions due             | February 24, 2021 |

Dated: September 15, 2020

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5 *Attorneys for Plaintiffs*  
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10 IT IS SO ORDERED:

11   
12 UNITED STATES MAGISTRATE JUDGE  
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14 DATED: September 15, 2020  
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